

REMARKS

Pending Claims

Claims 1, 3-8, 10-13, and 15-23 are pending in this application, claims 21-23 having been added and claims 2, 9, and 14 having been cancelled without prejudice herein. Claim 1 has been amended herein to incorporate the limitations of claims 2 and 9, and claims 2, 9 and 14, which the Examiner pointed out would have provided similar coverage as afforded by claim 2, have been cancelled accordingly, without prejudice. Claim 8 has been amended to further clarify the structure claimed. Claim 6 has been amended to change the dependency from 4 to 5. Claims 5, 6, and 11 have been amended to change "fluid" to "air." Claims 21-23 are based upon original claims 16-18, but have been amended to present structure as opposed to processes steps as asserted by the Examiner. No new matter has been introduced by way of these claim amendments. Reconsideration is respectfully requested in view of these amendments and the following remarks.

Claim Objections

The Office Action objected to claims 2, 6, and 14, indicating that it appeared that claim 6 should depend from claim 5 as opposed to claim 4. The applicant thanks the Examiner for the observation regarding claim 6, and amends claim 6 herein to depend from claim 5 as opposed to claim 4.

Claim Rejections

The Office Action rejected claims 1-3, 5-8, 10-12, 14, and 16-18 as anticipated by GB Patent 1,384,012, and claims 1-8, 10, 11, 13-15, 19 and 20 as anticipated by Colletti. The Office Action further rejected claim 9 as obvious over Colletti alone, but mentioning Clarke and

Gentilcore references. The Office Action asserts that the choice of Teflon in the substituted in the disclosure of Colletti is considered a design choice as Teflon is known as a filter material as evidenced by Clarke and Gentilcore. It is noted that the limitation of claim 9 has been added to independent claim 1, thereby mooting the anticipation rejections of claims 1-8 and 10-20 based upon the GB patent and Colletti. It is respectfully submitted, however, that the rejection is not well founded in view of the prior art.

Colletti discloses a boot with a vent that contains a “sintered powdered metal porous plug.” (col. 5, ll. 16-17), where the pellets 19 are described as being formed of “metal powder and have pores there between which are interconnected so that air can flow through the pellet” (col. 4, ll. 29-36). Such pellets are not water tight when the boot is submerged, however, as may frequently happen when they are used for off-road vehicles. In the case of submersion, water would be forced through the pellets of Colletti and into the bellows inasmuch as the metal from which the pellets are made is not water repellent. In other words, the metal is hydrophilic as opposed to hydrophobic. The claimed invention recognizes this problem and utilizes a Teflon filter to prevent “water entering the interior,” as described in the specification at page 7. Colletti does not even recognize this shortcoming, much less provide any indication of possible solution. Colletti clearly does not teach that an alternate material should be utilized to remedy this problem.

The problem and solution are likewise not addressed by the other two references cited in the Office Action. In the Clarke reference, for example, the use of Teflon is mentioned very briefly (col. 1, l. 14), but only in relation to filters capable of separating micro-organisms and proteins. Similarly, the Gentilcore reference relates to a dust control apparatus in which Teflon is used for a filter sleeve whose function is to “trap particulate matter which is airborne in the air

or other gases” (col. 7, ll. 22-24). There is no mention of Teflon as hydrophobic and the ability to repel water. Accordingly, there is likewise no teaching in either of these documents of the solution to the problem outlined above. Rather, the solution, and therefore the combination, can only be seen with hindsight. Thus, claims 1-8 and 10-20 are not considered obvious over the cited references, and should therefore be patentable.

With regard to added independent claim 21 and claims 22-23 depending therefrom, it is noted that claim 21 is based upon rejected claim 16 placed in independent form, but each of the claims has been amended to incorporate structural, rather than process limitations. Accordingly, the structural limitations of these claims must be considered in considering patentability.

In view of the rejection of original dependent claim 16 as anticipated by the GB reference in the Office Action, if it is assumed that the Examiner might assert a similar rejection of added claim 21. It is respectfully submitted, however, that such a rejection would not be applicable to the present claims 21-23, and consideration of these claims is requested.

More specifically, the rejection of original claim 16 is based upon an erroneous interpretation of the GB reference. The Office Action asserts that “the vent means [of GB-A-1384012] is configured as an ‘L’ shaped spout with a perpendicular portion and an outer parallel portion. It appears that the vent means is separate from the cover and is connected via clips to the cover.” In the view of the applicant, however, these statements are not considered correct.

As may be seen from the cross-sectional hatching in Figs. 1 and 3, as well as the phantom lines of Fig. 2, the cover 5 which houses the filter 19 itself is unitary with the bellows 21. In the GB reference, the vent means is not “configured as an ‘L’ shaped spout.” Rather, the vent is formed by an annular space around the outside of the bellows connected to the inside of the bellows via holes (11). Moreover, it is not “connected via clips to the cover.” While the GB

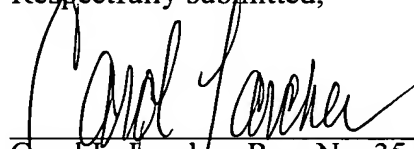
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includes clips (16), they are provided to "permit the passage of air" (p. 1, ll. 78-79). Although the filter material (19) is formed separately from the bellows, the cover (14) is formed integrally with the remainder of the bellows as are the holes (11). It is respectfully submitted that the structure claimed in claims 21-23 is not anticipated by the GB reference and reconsideration of these claims is requested.

Conclusion

The application is considered in good form for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Carol L. Larcher, Reg. No. 35,243
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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